

REMARKS

Office action summary

Claims 19-28 and 33-47 are pending in the present application. Claims 19, 33, 38, and 43 are presently amended. Claims 48-55 are presently added. Claim 28 is presently cancelled. Thus, following entry of the present amendments claims 19-27 and 33-55 will be pending in the present request.

The following rejections and objection were made in the office action of July 7, 2010 ("Office Action"):

- Claims 19-20, 24-27, 33-34, 36-39, 41-44, and 46-47 were rejected under 35 USC § 103(a) as being unpatentable over Alexander et al, US Patent 6,177,931 ("Alexander"), in view of Zigmond, US Patent 6,698,020 ("Zigmond").
- Claims 21, 22, 35, 40, and 45 were rejected under 35 USC § 103(a) as being unpatentable over Alexander in view of Zigmond, and further in view of Official Notice.
- Claim 23 was rejected under 35 USC § 103(a) as being unpatentable over Alexander in view of Zigmond, and further in view of Tsuchiya et al, "High Density Digital Videodisc using 635mm Laser Diode" ("Tsuchiya").
- Claim 28 was objected to as being dependent upon a rejected base claim, but otherwise being allowable if rewritten in independent form.

The amendments, rejections, and objection are discussed below. The examiner is respectfully urged to reconsider the application and withdraw the rejections and objection. Should the examiner have any questions or concerns that might be efficiently resolved by way of a telephonic interview, the examiner is invited to call applicants' undersigned attorney, Jon M. Isaacson, at 206-332-1102.

Telephonic interview

On September 8, 2010, applicants' undersigned attorney and Examiner Nguyen-Ba conducted a telephonic interview. Applicants' undersigned attorney would like to thank the

examiner for granting the interview. During the interview, applicants' proposed amendments were discussed without reaching any formal agreements. Any further substance of the interview is incorporated into the remarks below.

Rejections under 35 USC § 103(a)

Claim 19 stands rejected under 35 USC § 103(a) as being unpatentable over Alexander in view of Zigmond. Without conceding the propriety of the rejection of claim 19, in an effort to advance prosecution of the present application, applicants presently amend claim 19 to incorporate subject matter similar to the subject matter previously recited by claim 28. More specifically, claim 19 is presently amended to recite "displaying at least one of the received plurality of advertisements during a first insertion point, the at least one of the plurality of advertisements selected based on user preferences from a plurality of user locations and in accordance with a winning bid of an advertiser in an auction." In the Office Action, the examiner found that, in the context of the independent claims in this case, the prior art of record, individually and in combination, fails to teach or suggest "selecting a received advertisement based on the customer preference at a plurality of user locations in accordance with a winning bid of an advertiser in an auction." (Office Action, page 10.) Applicants also presently amend claim 19 to remove recitations which applicants believe are unnecessary to the allowability of claim 19. For at least the reasons that the examiner found that the prior art of record, individually and in combination, fails to teach or suggest "selecting a received advertisement based on the customer preference at a plurality of user locations in accordance with a winning bid of an advertiser in an auction," applicants submit that claim 19, as presently amended, is not taught or suggested by the prior art of record. Accordingly, applicants respectfully request withdrawal of the rejections of claim 19 under 35 USC § 103(a).

Claims 33, 38, and 43 stand rejected under 35 USC § 103(a) as being unpatentable over Alexander in view of Zigmond. Without conceding the propriety of the rejections of claims 33, 38, and 43, applicants presently amend claims 33, 38, and 43 to recited subject matter similar to the subject matter of claim 19 discussed above. For at least the reasons that the prior art of record, individually and in combination, fails to teach or suggest the recitations of claim 19,

applicants submit that the prior art of record, individually and in combination, fails to teach or suggest the recitations of claims 33, 38, and 43. Accordingly, applicants respectfully request withdrawal of the rejection of claims 33, 38, and 43 under 35 USC § 103(a).

Claims 20-27, 34-37, 39-42, and 44-47 stand rejected under 35 USC § 103(a). More specifically, claims 20, 24-27, 34, 36-37, 39, 41-42, 44, and 46-47 stand rejected under 35 USC § 103(a) as being unpatentable over Alexander in view of Zigmond; claims 21, 22, 35, 40, and 45 stand rejected under 35 USC § 103(a) as being unpatentable over Alexander in view of Zigmond, and further in view of Official Notice; and claim 23 stands rejected under 35 USC § 103(a) as being unpatentable over Alexander in view of Zigmond, and further in view of Tsuchiya. Claims 20-27, 34-37, 39-42, and 44-47 depend, directly or indirectly, from claims 19, 33, 38, and 43. For at least the reasons that the prior art of record, individually and in combination, fails to teach or suggest the recitations of claims 19, 33, 38, and 43, applicants submit that the prior art of record, individually and in combination, fails to teach or suggest the recitations of claims 20-27, 34-37, 39-42, and 44-47. Accordingly, applicants respectfully request withdrawal of the rejections of claims 20-27, 34-37, 39-42, and 44-47 under 35 USC § 103(a).

Claim objection

Claim 28 stands objected to as being dependent upon a rejected base claim, but otherwise being allowable if rewritten in independent form. Applicants presently cancel claim 28 to incorporate similar subject matter into claim 19, as discussed above. Because claim 28 is presently canceled, applicants submit that objection to claim 28 is now moot.

New claims

Claims 48-55 are presently added. Claims 48-55 depend, directly or indirectly, from claims 19, 33, 38, and 43. For at least the reasons that the prior art of record, individually and in combination, fails to teach or suggest the recitations of claims 19, 33, 38, and 43, applicants submit that the prior art of record, individually and in combination, fails to teach or suggest the recitations of claims 48-55. Accordingly, applicants submit that claims 48-55 are in condition for allowance.

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Conclusion

Applicants believe that the present remarks are responsive to each of the points raised by the examiner in the Office Action, and submit that claims 19-27 and 33-55 of the application are in condition for allowance. Favorable consideration and passage to issue of the application at the examiner's earliest convenience is earnestly solicited.

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